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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Assistance to unaccompanied refugee minors

Report of the Secretary-General

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I. INTRODUCTION

1. At its fifty-first session, on 12 December 1996, the General Assembly adopted resolution 51/73, in which, inter alia, it expressed its deep concern at the continued plight of unaccompanied refugee minors and called upon all Governments, the Secretary-General, the Office of the United Nations High Commissioner for Refugees (UNHCR), all United Nations organizations, other international organizations and non-governmental organizations concerned to exert the maximum effort to assist and protect unaccompanied refugee minors and to expedite their return to and reunification with their families. The Secretary-General was requested to report to the General Assembly at its fifty-second session on the implementation of the resolution.

II. BACKGROUND

2. The term "unaccompanied minors" is used both by the United Nations Children's Fund (UNICEF) and by UNHCR to refer to persons who are under 18 years of age or under a country's legal age of majority, are separated from both parents, and are not with and being cared for by a guardian or other adult who by law or custom is responsible for them. This includes minors who are without any adult care, minors who are entirely on their own, minors who are with minor siblings but who, as a group, are unsupported by any adult responsible for them, and minors who are with informal foster families.

3. The age group covered by this definition corresponds closely with the class of young persons who have rights recognized under the Convention on the Rights of the Child. The Convention recognizes that all children and adolescents are entitled to special care and assistance. This age group usually comprises the majority of the populations affected by emergencies. Minors make up 52 per cent of the caseload assisted by UNHCR, with the figures moving up to between 60 and 66 per cent in a number of refugee situations.[1] Within the populations affected by an emergency, unaccompanied or separated minors are one of the groups most at risk. Both children and adolescents are in need of care and protection and are unable to care for and protect themselves properly. They are likely to suffer long-term effects if their physical and developmental needs are not met. They are often not able to make their needs known or have them met. Few threats to a minor's well-being and long-term development equal that of being involuntarily separated from his or her parents and family. Immediate care and protection is needed, with consideration for the minor's long-term prospects. This must be done without creating the perception that unaccompanied refugee minors are a privileged class with higher levels of assistance, and therefore better chances of survival, than refugee children and adolescents living with their families.

4. The report on the impact of armed conflict on children ("the Machel study" (A/51/306, annex)), submitted in August 1996 pursuant to General Assembly resolution 48/157 of 20 December 1993, gave particular attention to the situation of unaccompanied minors:

> "Children are often separated from parents in the chaos of conflict, escape and displacement. Parents or other primary caregivers are the major source

of a child's emotional and physical security and for this reason family separation can have a devastating social and psychological impact. Unaccompanied children are especially vulnerable and at risk of neglect, violence, military recruitment, sexual assault and other abuses."

5. UNHCR, UNICEF and non-governmental organizations working in this field recognize this situation, and generally identify three goals with respect to refugee minors separated from their families or guardians. The first is to prevent separations by taking steps, often innovative and context-specific, to assist families in staying together, even in the context of mass population movements.

6. The second goal is to make every effort to reunify with their families those minors who have been identified as unaccompanied. Extensive public information and multi-agency tracing activities are often key to this task. Although these efforts are unsuccessful for some children and adolescents, in many cases reunification with the nuclear or extended family is achieved through painstaking tracing efforts in both countries of asylum and countries of origin.

7. The third goal is to ensure adequate care of unaccompanied minors during the time that they are separated from their families, taking into account their particular needs and rights. A joint effort by UNHCR, UNICEF, the International Committee of the Red Cross, Save the Children, Radda Barnen and Food for the Hungry International resulted in the development of an emergency kit for unaccompanied minors, containing emergency registration books, cameras and film, a priority action handbook and other tools. A number of these kits have been utilized in the recent crises in the Great Lakes region of Africa. Others have been stockpiled by UNHCR for deployment in future emergencies.

8. In some respects, the ongoing crisis in the Great Lakes region has been a formative experience for agencies dealing with unaccompanied minors in emergency situations owing to the fact that it engendered, from the onset, an exceptionally high proportion of unaccompanied minors. By December 1996, approximately 62,000 registered unaccompanied children and adolescents had been reunited with their families, but during the mass repatriation from the Democratic Republic of the Congo (formerly Zaire) and the United Republic of Tanzania at the end of 1996 and the beginning of 1997, an additional 12,000 minors were identified as unaccompanied. Of these, about 80 per cent have since been reunited with their families. From March to June 1997, 5,200 unaccompanied Rwandan minors were repatriated from Kisangani and other collection points in the eastern part of the Democratic Republic of the Congo, while the number of such minors remaining in that country is unknown.

9. Recent events in the Great Lakes region have underscored the need for urgent action and priority attention to be given to identifying and addressing the needs of minors separated from their families during forcible and other violent displacement. However, repatriation, identification and follow-up of "foster" care and the establishment of appropriate support systems for the successful reintegration of unaccompanied minors still remain issues that need to be addressed by concerned United Nations agencies and their implementing partners.

III. INTER-AGENCY COOPERATION

10. The General Assembly, in its resolution 51/77 of 12 December 1996 on the rights of the child, made specific reference to the plight of unaccompanied minors and urged that coordinated efforts be made by all agencies to address the specific needs of minors affected by conflict and displacement. The Convention on the Rights of the Child itself calls for cooperation in protection, care and tracing of unaccompanied minors, and the Committee on the Rights of the Child attaches great importance to the situation of these young persons.

11. In March 1996, UNICEF and UNHCR signed a memorandum of understanding that provides a framework for cooperation for the development and use of global programming guidelines and standards to ensure the proper protection, care and family reunification of unaccompanied minors. UNHCR takes the lead in countries of asylum, while UNICEF has the lead role in countries of origin; in both situations, UNHCR and UNICEF work closely with the International Committee of the Red Cross, Save the Children and other agencies. In particular, the memorandum of understanding helps delineate the specific response in a number of areas, including the following:

(a) Assessment of the situation and needs of unaccompanied minors among each refugee population;

(b) Assisting in the adaptation of global principles and guidelines for the care of unaccompanied minors, as provided in Refugee Children: Guidelines on Protection and Care, published by UNHCR in 1994, and in Assisting in Emergencies (UNICEF, 1986 and 1996) and, when required, developing and issuing situation-specific guidelines in consultation with other organizations directly involved in the care of such persons and/or family tracing;

(c) Taking responsibility for coordinating and supervising programmes for the care of unaccompanied minors and for tracing and family reunion;

(d) In countries of origin, UNICEF will ensure similar consultation and cooperation with UNHCR and with national authorities to facilitate the incorporation of unaccompanied returnee children and adolescents into appropriate programmes.

12. The memorandum of understanding has paved the way for increased levels of cooperation, including discussion of possible joint missions to assess and address the needs of separated minors and other groups identified as particularly vulnerable and the establishment of common standards and practices.

13. In 1996, UNHCR signed a standby agreement with the Swedish Save the Children, Radda Barnen, for emergency deployment of community service officers to focus, inter alia, on the needs and rights of unaccompanied minors during emergency or post-emergency situations. With the International Save the Children Alliance, UNHCR is also carrying out a series of country evaluations, to be followed by training and capacity-building programmes for international staff, local staff and local authorities and groups, on a range of issues affecting children and adolescents; the situation of unaccompanied minors is a priority in this programme.

IV. ISSUES OF CONCERN

14. While UNHCR, UNICEF and international and non-governmental organizations have developed strategies continually to increase the quality of response to the situation of unaccompanied minors, during 1996 they noted certain developments with growing concern.

A. Violence against refugee minors, including unaccompanied minors, in situations of armed conflict

15. First among these issues is the incidence of violence against refugee minors, including unaccompanied minors, and those who work with them, in situations of armed conflict.

16. For instance, in the Great Lakes region, among generalized attacks on refugees, there have been reports of incidents in which minors appear to have been deliberately targeted. On 29 May 1997, a Congolese staff member of Save the Children was killed, along with the child he was carrying on his back, as he led a group of 11 unaccompanied minors to the Karuba collection point for repatriation.

17. Similarly, on the night of 25-26 April 1997, a group of armed individuals reportedly burst into the paediatric hospital at Lwiro, outside Bukavu, and took 28 children from their hospital beds, herding them forcibly into trucks before driving away. A group of adults, some of them relatives of the children, was also taken. After protests by international organizations, they were released by local authorities into the custody of UNHCR, UNICEF, Save the Children and Médecins sans frontières on 30 April 1997. Some reports indicate that they were mistreated during the time they were being held.

18. UNICEF noted publicly that many of the unaccompanied Rwandan minors found in Biaro in the eastern region of the Democratic Republic of the Congo when international organizations first reached the area in the days after refugee settlements had been dispersed by rebel attack, had sustained machete or bullet wounds during the attacks.

B. Military recruitment

19. Another issue of concern to UNICEF, UNHCR and other agencies involves reports of military recruitment of refugee children and adolescents. Such recruitment has reportedly occurred in, among other locations, the Great Lakes region, Sierra Leone, Myanmar, Sri Lanka, Afghanistan, Liberia, the Sudan, Ethiopia and Uganda. While this concern is not restricted to refugee minors, or to the unaccompanied children and adolescents among them, it is clear that the lack of adult protection and family support make separated minors particularly vulnerable to military conscription.

20. UNICEF, in conjunction with the non-governmental organization subgroup of the NGO Working Group on the Convention on the Rights of the Child, organized a symposium on the prevention of recruitment of children into the armed forces and

demobilization and social reintegration of child soldiers in Africa from 23 to 30 April 1997 in Capetown, South Africa. The symposium led to the issuing of annotated principles and best practice and a draft plan of action on these issues.

C. Best interest standards

21. UNHCR, UNICEF and international and non-governmental organizations, with the participation of the Governments concerned, are also involved in the identification and implementation of standards laying out the best interests of unaccompanied minors with regard to repatriation. UNHCR is preparing a framework to guide its staff in identifying the best interests of refugee minors.

22. The repatriation of children and adolescents from the former Yugoslavia, who had been given refuge in numerous countries, including those of western Europe, has been one focus. In the Great Lakes context, determining the best interests of unaccompanied refugee minors from Rwanda, Burundi and the Democratic Republic of the Congo has included evaluations of the security situations in countries of asylum and countries of origin. Such decisions, which are dependent on conditions in the region, continue to be a subject of consultation between organizations.

23. Cases in which the unaccompanied minors are too young to indicate their area of origin or family names also receive particular attention. Some of these children are found alone, while others are in the care of informal foster families. In order to avoid holding very small children in transit centres for long periods, without adequate attention to their developmental needs, procedures should be developed to limit the length of separations and to ensure positive child development in the short term while long-term solutions are being sought. To this end, additional consideration should be given to extending efforts at family tracing and fostering options in the country of origin, and to developing means of seeking additional information about the background of very young children from the foster families and other returnees.

D. Sexual exploitation and abuse

24. Unaccompanied minors are recognized as being at risk for sexual exploitation and abuse. While special attention has been paid to the situation of girls in this context, exploitation and abuse of minors of both sexes requires special focus and response. The situation of unaccompanied girls returning home pregnant, often to areas in which traditional family and extended family support networks have broken down, has also been noted with particular concern. Sexually transmitted diseases and HIV/AIDS are also of concern among the adolescent and young adult populations.

E. Situation of unaccompanied minors in countries practising individual refugee status determination

25. The situation of unaccompanied minors seeking refuge in developed countries has become a particular element of concern. Issues of proper care, legal assistance and appropriate judicial review have been a focus during the year, with some countries reviewing their standards of determination of individual cases in order to improve their sensitivity to the capacities and needs of children and adolescents.

26. In 1996, UNHCR hosted a symposium on unaccompanied children seeking asylum, which resulted in the Office publishing, in February 1997, the Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum.

V. CURRENT RESPONSES

27. UNHCR, UNICEF, the International Committee of the Red Cross, Save the Children, Radda Barnen and other non-governmental organizations continue to coordinate their activities and review their practices with the goal of improving efforts to protect and assist unaccompanied refugee minors in various contexts around the world. In the Great Lakes region, inter-agency collaboration and joint development of policies and practices are ongoing in response to the ever-changing situation. In the context of the former Yugoslavia, plans are under way for an inter-agency conference to discuss best interest standards for unaccompanied refugee children and adolescents. The UNHCR/International Save the Children Alliance country evaluations and capacity-building programmes mentioned above aim to ensure that children's and adolescents' needs are properly accounted for in programming and protection activities, while the related training effort has the goal of improving identification of and responses to those needs.

28. UNHCR is planning to create a number of senior regional adviser for children posts in 1997 to respond more promptly and appropriately to the needs of all refugee minors, including unaccompanied minors. At the same time, UNHCR is accelerating efforts to bring particular awareness of children and adolescent issues into the mainstream of all UNHCR programming and protection activities.

29. The issue of unaccompanied minors seeking asylum is a topic of ongoing dialogue among United Nations agencies, international and non-governmental organizations and Governments. Standards of care for minor asylum-seekers in official custody and standards for individual status determination are included in the debate.

VI. CONCLUSION

30. The vulnerability of refugee minors, in particular unaccompanied children and adolescents, has long been recognized. The Machel study has brought the awareness of the impact of armed conflict on these young persons to the forefront, and has given impetus to inter-agency initiatives to better identify and address the needs of this particularly vulnerable group. Increasing levels

of cooperation among United Nations agencies, and between the United Nations and non-governmental organizations, has been a key to developing appropriate responses to the situation of these minors in contexts across the globe, and can also benefit those in comparable situations of internal displacement. Capacity for emergency response, as well as for establishing the most comprehensive and appropriate approaches to post-emergency situations, has been greatly enhanced by this cooperation, which all those involved hope will bear even greater fruit in the future as agencies strive to respond to new crises and to changes in ongoing situations involving unaccompanied minors around the world.

Notes

[1] Populations of Concern to UNHCR: A Statistical Overview (Geneva, UNHCR, July 1996).

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Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

Report of the Secretary-General

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I. INTRODUCTION

1. The present report is submitted pursuant to General Assembly resolution 51/70 of 12 December 1996, in which the Office of the United Nations High Commissioner for Refugees (UNHCR), in close cooperation with the International Organization for Migration (IOM) and the Organization for Security and Cooperation in Europe (OSCE), was requested to continue to steer the ongoing and future activities in the implementation of the Programme of Action adopted by the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, held at Geneva on 30 and 31 May 1996. The Secretary-General was asked to report to the Assembly at its fifty-second session on the measures taken and proposed and on progress achieved.

2. In the same resolution, the General Assembly urged all States and intergovernmental and non-governmental organizations concerned to take further action to implement the recommendations of the Conference, calling upon the Governments of the countries of the Commonwealth of Independent States (CIS) to continue to strengthen their commitment to the principles underlying the Programme of Action and to ensure progress in its implementation, and upon other States and interested international organizations to provide appropriate levels of support in a spirit of solidarity and burden-sharing.

II. IMPLEMENTATION OF THE PROGRAMME OF ACTION

3. Follow-up mechanisms have been established within UNHCR and IOM to ensure the implementation of the Programme of Action, in close cooperation with concerned States and intergovernmental organizations. A number of strategies and initiatives to implement the Programme of Action were undertaken and are outlined below.

4. The close cooperation of the three organizations that constituted the CIS Conference secretariat (UNHCR, IOM, the Office for Democratic Institutions and Human Rights of the Organisation for Economic Cooperation and Development (OECD)) has continued to be strong in the first year of implementation of the Programme of Action. The Joint Operational Strategy for 1996-2000 between UNHCR and IOM, which was welcomed as a practical step outlining the dimensions of implementation, was put into operation with the drawing up of national implementation plans in each country of the Commonwealth of Independent States, with the active participation of the Governments concerned. This joint planning exercise provided the basis for a comprehensive presentation of all UNHCR and IOM programmes in all CIS countries, showing coordinated activities designed to mutually support each other and avoid duplication. The two organizations made a joint appeal for funds in November 1996, thus providing a channel through which States or interested organizations could support the implementation of the Programme of Action. The cooperation of OSCE, and in particular the Office for Democratic Institutions and Human Rights, is expected to grow closer next year according to decisions taken by the Permanent Council to support the process more actively.

5. Most Governments of the Commonwealth of Independent States have demonstrated commitment to these principles and several have paid increased attention to strengthening the institutional framework appropriate for effective management of migration and displacement. They have elaborated or revised related legislation and ensured that appropriate administrative structures are in place. Many have promoted human rights. Some have paid particular attention to the protection of minority rights and maintenance of peaceful inter-ethnic relations, and have made efforts to reduce statelessness. Some have acceded to or are preparing to accede to various international instruments, including the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and some have become members of the Council of Europe. Others have paid particular attention to providing assistance for the integration of newly arrived populations from other CIS countries. In some areas, bilateral and subregional mechanisms are being strengthened to ensure a coordinated response to shared problems.

6. Other States and interested organizations have lent support to the implementation process through funding the joint appeal of UNHCR and IOM and through other bilateral and multilateral channels, including the provision of technical assistance for migration management and development of legislation, and emergency and integration assistance for refugees and internally displaced persons. The levels of assistance for non-emergency programmes have not been high, however, and it remains a challenge for all participants of the CIS Conference to ensure that political and financial support consolidates their commitment to the preventive strategy agreed upon at the CIS Conference.

7. UNHCR has paid particular attention to strengthening its own regional policies and approaches, developing strategies and practical tools for more effective capacity-building, enhancing or launching programmes to address the needs of various categories of concern to the CIS Conference (including, more recently, involuntarily displaced persons and formerly deported peoples). UNHCR has sought to develop partnerships with other organizations to meet the challenge of implementing the Programme of Action, acting sometimes as a catalyst for action, drawing attention to issues that can best be addressed by other actors, or drawing the expertise of others into joint activities. Thus, initiatives have been taken to forge closer contacts with the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural organization (UNESCO), the Council of Europe and the European Union (Technical Assistance for the Commonwealth of Independent States (TACIS)). Cooperation with financial institutions is still at an early stage, with efforts being made to understand one another's policy-making and planning processes in general and to cooperate specifically in some CIS countries.

8. IOM has concentrated on the four main areas of its core expertise: migration management, integration assistance, migration assistance, and research and information activities, including the facilitation of workshops and seminars on migration-related issues. In the year since the CIS Conference, IOM has expanded its programmes in the Commonwealth of Independent States where it was already active and has launched new but similar programmes in others. Cooperation with UNDP has expanded (including the signing of an executing agency agreement) and joint activities are now being carried out with the International

Labour Organization in the field of labour migration. IOM is developing an inventory of the technical and financial assistance programmes being carried out in the Commonwealth of Independent States to provide all interested parties with a full picture of the initiatives under way in the migration field.

9. Other international organizations have also been active in the region: UNDP has assisted internally displaced persons in Georgia (South Ossetia) and the reintegration of returnees in Crimea, Ukraine. Efforts focus on improving the infrastructure and access to social services, aiming, in the long run, at increased stability and peace in these regions. UNDP will assist the Government of Azerbaijan in reconstruction and rehabilitation of war-damaged provinces in the country. UNICEF has been promoting the implementation of the Convention on the Rights of the Child among Central Asian countries and has included peace education, tolerance education and conflict-resolution elements in its programmes in Tajikistan and the three countries of the Trans-Caucasus. In Crimea, Ukraine, UNICEF plays a role in the United Nations Crimea Integration and Development Programme, providing basic educational and medical supplies for community centres and polyclinics.

10. The role of non-governmental organizations in implementing the Programme of Action was recognized to be crucial and Governments of the Commonwealth of Independent States were urged to strengthen their cooperation with local and national non-governmental organizations. In many countries, significant steps have been made in this regard, and a constructive dialogue is developing. Non-governmental organizations themselves have become more aware of the issues, have improved their links and cooperation with one another, with the Government and with international organizations, and most CIS countries have become increasingly active in implementing various aspects of the Programme of Action. Several initiatives designed to facilitate their coordination and their participation in the CIS Conference implementation and follow-up have been carried out by UNHCR, which has the main responsibility for ensuring that non-governmental organizations are involved at all levels. Both UNHCR and IOM have been steadily increasing cooperation with non-governmental organizations in the region through the implementation of programmes.

III. FOLLOW-UP: REVIEW OF PROGRESS MADE BY THE STEERING GROUP

11. On 31 October 1996, a preliminary meeting of the Steering Group, foreseen in the Programme of Action to monitor progress in implementation, took place to set up modalities and procedures. On 2 July 1997, the Steering Group met to review progress after the first year of implementation. Participants included 45 States, 21 international organizations, 73 non-governmental organizations and 4 other entities. A report compiled by UNHCR and IOM and outlining progress made in each of the CIS countries provided the basis for this review.

12. At the Steering Group meeting, the CIS countries reaffirmed their commitment to implementing the Programme of Action and outlined several measures and initiatives they had taken in the past year. Many have focused on strengthening the institutional framework for managing migration and displacement problems. The Governments of Georgia and Tajikistan highlighted the importance of commitment to conflict-resolution processes and the need for

concerted efforts at reconciliation. Several Governments in the region noted that much more could be done to implement the Programme of Action, if given the necessary resources. Other Governments confirmed their interest in and support for the efforts of the CIS countries, pointing to the bilateral and multilateral assistance they were providing. Four countries announced contributions to the UNHCR/IOM joint appeal for 1997. Non-governmental organizations made interventions, which served to highlight the acute nature of the problems of the displaced in the Commonwealth of Independent States. The progress made in enhancing the awareness and capacity of non-governmental organizations in the migration sector in those countries was noted, and Governments of the Commonwealth of Independent States were urged to pay attention to creating an enabling environment for non-governmental organizations to function more effectively, particularly in the realm of non-governmental organization and tax legislation.

13. Participants expressed their appreciation for the efforts of UNHCR and IOM to implement the Programme of Action, and encouraged increased coordination of activities. They also welcomed an increased role for OSCE. In concluding the meeting, the Chairman urged all participants in the CIS Conference to cooperate in the long-term endeavour of implementing the Programme of Action and to maintain the balance of commitments and interests that was essential in the process leading up to the CIS Conference. In order not to lose the current momentum, demonstrable progress must be made in the Commonwealth of Independent States to prioritize Conference-related issues in the second year of implementation, and support from the other members of the international community must be forthcoming.